

Remarks

I. Introduction

Claims 1-36 are presented for examination. Claims 1-6 have been canceled, and claims 7-11, 13, and 16 have been amended. Claim 36 has been added.

II. Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claims 13-34 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

First, claim 13 was rejected as being incomplete for omitting essential steps. In this regard, the Examiner states that claim 13 fails to set forth any steps involved in the method/process and it is unclear what method/process applicant intends to accomplish. Claims 14-35 which depend from claim 13 have also been rejected. Claim 13 has now been amended to state that the oxidized cellulose is acylated to form an oxidized cellulose ester. The word "acylating" was inadvertently admitted from the originally submitted claims. It is therefore respectfully requested that this ground of rejection be withdrawn with respect to claim 13 and depending claims 14-35.

Claims 14, 16, 18, 22, 24, 26, 30, and 31 were rejected for lack of antecedent basis for "an acylating step". Claims 15, 17, 19-21, 23, 25, and 27-29 were also rejected on the basis that they depend from these claims. Due to the inclusion of the word "acylating" in claim 13, this ground of rejection is now rendered moot.

Finally, claims 32-34 were rejected on the basis that they recite further steps that may be carried out after the initial step(s) of claim 13. Since claim 13 has now been amended to include the initial step, this ground of rejection has also been rendered moot.

II. Claim Rejections - 35 U.S.C. § 102

A. Bogan et al. (U.S. Pat. No. 4,590,265)

Claims 1-5 and 8-12 were rejected under 35 U.S.C. 102(b) as being anticipated by Bogan et al. (U.S. Pat. No. 4,590,265).

Claim 1 (from which claims 2-5 and 8-12 depend) has now been canceled. Claim 36 has been added which is directed to the composition of claims 4 and 6 (now canceled). Claims 2-5

and 8-12 now depend from claim 36. Since claim 6 was not subject to this rejection, it is respectfully submitted that claims 2-5, 8-12, and 36 are not anticipated by Bogan et al. Applicants therefore respectfully request that this ground of rejection be withdrawn.

Claims 1-4, 6-7, and 21-23 are also not rendered obvious by Bogan et al. There is no teaching or suggestion in Bogan et al. to modify their teachings to prepare a composition as set forth in claims 2-5, 8-12, and 36.

B. Lee et al. (U.S. Pat. No. 5,973,139)

Claims 1 and 35 were rejected under 35 U.S.C. 102(b) as being anticipated by Harvey et al.

As already noted above, claim 1 (from which claim 35 depends) has now been canceled, and claim 36 added. Claim 35 now depends from claim 36. Since claim 6 was not subject to this rejection, it is respectfully submitted that claims 35-36 are not anticipated by Lee et al. Applicants therefore respectfully request that this ground of rejection be withdrawn.

Claim 35 is also not rendered obvious by Lee et al. There is no teaching or suggestion in Lee et al. to modify their teachings to prepare a composition as set forth in claims 35 and 36.

C. Diamantoglou et al. (U.S. Pat. No. 5,008,385)

Claims 1-12 were rejected under 35 U.S.C. 102(b) as being anticipated by Diamantoglou et al. Applicants respectfully traverse this rejection.

Diamantoglou discloses cellulose esters. (Col. 5, line 65; see also attached Section 132 Declaration of Vijay Kumar, para. 7). Diamantoglou does not, however, disclose oxidized cellulose esters, as claimed in the present invention. (Decl. V. Kumar, para. 7).

The polymers listed in the Diamantoglou patent describe cellulose derivatives containing carboxylic acid groups that are not derived from cellulose but introduced in cellulose as part of substituents. (Decl. V. Kumar, para. 8). In other words, the carboxylic acid groups in cellulose derivatives are not directly linked to the cellulose backbone, but instead are linked to the side chains (or substituents. (Decl. V. Kumar, para. 8). This is in contrast to the oxidized cellulose esters of the claimed invention whereby the carboxylic acid groups are an integral part of the oxidized cellulose, the starting material used to prepare the esters of the claimed invention. (Decl. V. Kumar, para. 8). The carboxylic acid groups in the cellulose backbone (at carbon six position) results from an oxidation reaction. (Decl. V. Kumar, para. 8).

The water-insoluble, fibrous, cellulose esters of Diamantoglou are not biodegradable, and therefore not useful for the purposes of the claimed invention, which include use as film-forming agents, drug carriers, and immobilizing matrix in the development of biodegradable controlled and/or sustained release pharmaceutical, agricultural, and veterinary compositions. (Decl. V. Kumar, para. 9). In fact, the cellulose derivatives of Diamantoglou are used primarily as fibers and membranes in hemodialysis. (Col. 1, lines 8-10). (Decl. V. Kumar, para. 9).

Since Diamantoglou does not teach oxidized cellulose esters, claims 1-12 are not anticipated. Applicants therefore respectfully request that this ground of rejection be withdrawn.

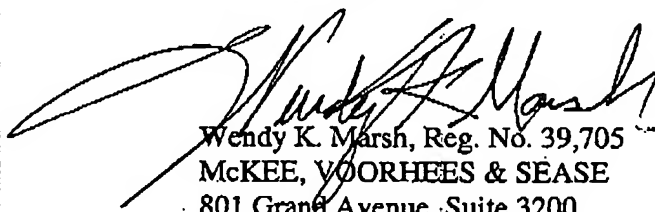
Claims 1-12 are also not rendered obvious by Diamantoglou. There is no suggestion to modify the teachings of Diamantoglou to synthesize oxidized cellulose esters.

III. Conclusion

It is believed the application is in a prima facie condition for allowance. Allowance is therefore respectfully requested.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,



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